



November 9, 2015

Ms. Jennifer Bjorhus
Star Tribune
650 3rd Ave. S.
Suite 1300
Minneapolis, MN 55488

Dear Ms. Bjorhus:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request (GSA-2015-001240), dated September 28, 2015, in which you requested the following:

“all land and structures in Minnesota that are recorded in the Federal Real Property Profile (FRPP) database.”

The FRPP, mandated by Executive Order 13327, Federal Real Property Asset Management, serves as the centralized database of government-wide real property information. As steward of the FRPP database, GSA has overall responsibility to maintain this interagency database on behalf of the Federal agencies that submit data to the system. Agencies submit inventory data to GSA on a “read-only” basis with the understanding that the information will be maintained in a secure database. Moreover, the public does not have access to the raw data, and an authorized agency user may access only his or her agency’s information (i.e., agencies are not allowed to view other agencies’ data). Basically, GSA operates as a virtual warehouse for this information.

With respect to your request, please find enclosed a list of the FOIA offices for agencies that submitted data to the FRPP for fiscal year (FY) 2014. You may refer your FOIA request to those agencies. Each agency will make its own determination as to which, if any, of its data may be released and will respond to you directly.

In addition, please find enclosed data for land and structures in the State of Minnesota that GSA submitted to the FRPP for its inventory of real property assets. This information contains all but five of the data elements that comprised GSA’s FY 2014 FRPP submission. For the reasons described in greater detail below, we have withheld

the following five data elements:

- Status (No. 5, including subcategories);
- Using Organization (No. 8);
- Replacement Value (No. 11);
- Repair Needs (No. 12); and
- Condition Index (No. 13).

The Status and Replacement Value data elements are being withheld pursuant to the fifth statutory exemption under FOIA, 5 U.S.C. § 552(b)(5), which authorizes an agency to withhold commercial information that could put the Government at a competitive disadvantage in the marketplace. The Status data element would identify whether the agency considers a particular property to be excess to its needs and the Replacement Value data element reflects the agency's replacement cost estimate. Excess properties are those that are reasonably expected to enter the disposal process. The agency's internal estimate of value would be a critical factor in determining an asking price, and the pre-sale disclosure of an agency's estimate of value would harm the agency's commercial interests. The courts have recognized that Exemption 5, 5 U.S.C. § 552(b)(5), protects the Government when it enters the marketplace as an ordinary buyer or seller.

The Using Organization, Repair Needs, and Condition Index data element information is being withheld pursuant to the seventh statutory exemption under FOIA, 5 U.S.C. § 552(b)(7). These records are considered "controlled unclassified information" and GSA maintains that this information is highly sensitive and affects our agency's ability to provide a safe and secure environment for persons and property. In accordance with 5 U.S.C. § 552(b)(7), which authorizes the withholding of information necessary to protect the physical safety of a wide range of individuals, GSA has determined that releasing information relating to Using Organization, Repair Needs, and Condition Index potentially could compromise security at Federal facilities and the safety of persons at these facilities.

The specific reasons for concluding that the requested information falls within FOIA Exemption 7 and for withholding the information relating to each of these data elements are as follows:

- A. The Using Organization information discloses the agencies and number of personnel that are located in each asset. Making known the identity of these agencies in a specific asset can compromise their security; and
- B. The Repair Needs and Condition Index information discloses the asset's vulnerability. Assets in poor condition could be seen as easily accessible targets, thereby compromising the security of the agencies housed in those assets.

The Federal Real Property Report, summarizing the Government's real property assets, represents what GSA has determined to be publicly releasable information. Any release of data beyond that which is otherwise available in these summary reports is a security concern to the Federal Government. The Federal Real Property Reports can be viewed at www.gsa.gov/frppreports.

Based on the above information, this constitutes a partial denial of your request. You have the right to appeal this partial denial of records under FOIA. To do so, you must write within 120 days of your receipt of this letter to:

U.S. General Services Administration
FOIA Requester Service Center (H1C)
1800 F St. NW, Room 7308
Washington, DC 20405

Your appeal must be in writing and should contain a brief statement of the reasons why you believe the requested information should be released. Enclose a copy of your initial request and a copy of this letter. Both the appeal letter and envelope should be marked prominently "Freedom of Information Act Appeal."

This completes our action on this FOIA request. Should you have any press-related questions, please contact Ms. Kamara Jones, Press Secretary, by email at media@gsa.gov.

Sincerely,

Travis S. Lewis

FOIA Program Manager

Enclosures

GSA FRPP FY 2014 data

List of FOIA Offices for agencies that submitted data to FRPP in 2014